

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIDAS FUND, INC.,

Plaintiff,

- against -

GAMMON GOLD, INC.,

Defendant.

Index No.: 07-CV-6707 (NRB)

**NOTICE OF MOTION TO ADMIT  
COUNSEL PRO HAC VICE**

PURSUANT TO RULE 1.3(c) of the Local Rules of the United States Courts for the Southern and Eastern Districts of New York, Brooke E. Pietrzak, a member in good standing of the bar of this Court, hereby moves for an Order allowing the admission pro hac vice of:

THOMAS SWIGERT  
Dorsey & Whitney LLP  
50 South Sixth Street, Suite 1500  
Minneapolis, Minnesota 55402  
(612) 340-2600

THOMAS SWIGERT is a member in good standing of the Bar of the States of Colorado, Illinois and Minnesota. There is no pending disciplinary proceeding against THOMAS SWIGERT in any State or Federal court.

Dated: September 14, 2007  
New York, New York

Respectfully submitted,

DORSEY & WHITNEY LLP

By Brooke E. Pietrzak  
Brooke E. Pietrzak (BP-7314)

250 Park Avenue  
New York, NY 10177  
Telephone: 212-415-9200

SEP 14 2007

62-025-627049

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
2007 SEP 14 PM 3:22

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MIDAS FUND, INC.,

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GAMMON GOLD, INC.,

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Index No.: 07-CV-6707 (NRB)

**DECLARATION IN SUPPORT OF  
MOTION TO ADMIT COUNSEL  
PRO HAC VICE**

BROOKE E. PIETRZAK, being duly sworn, hereby deposes and says as follows:

1. I am a partner with the law firm of Dorsey & Whitney LLP, counsel for defendant Gammon Gold, Inc. ("Gammon") in the above-captioned action. I am familiar with the proceedings in this case. I make this statement in support of Gammon's motion to admit Thomas Swigert as counsel pro hac vice in this matter.

2. I am a member in good standing of the bar of the State of New York, and was admitted to practice law in June of 1998. I am also admitted to the bar of the United States District Court for the Southern District of New York, and am in good standing with this Court.

3. Mr. Swigert is a partner with Dorsey & Whitney LLP and works in the firm's Minneapolis office. Mr. Swigert has practiced law for 12 years and is admitted to practice before the courts of Colorado, Illinois and Minnesota. Certificates of Good Standing from each of these courts for Mr. Swigert are attached hereto as Exhibit A.

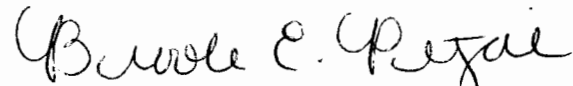
4. I have found Mr. Swigert to be a skilled attorney and a person of integrity. He is experienced in Federal practice and is familiar with the Federal Rules of Procedure. Mr. Swigert is also fully familiar with the factual and legal issues presented in this action.

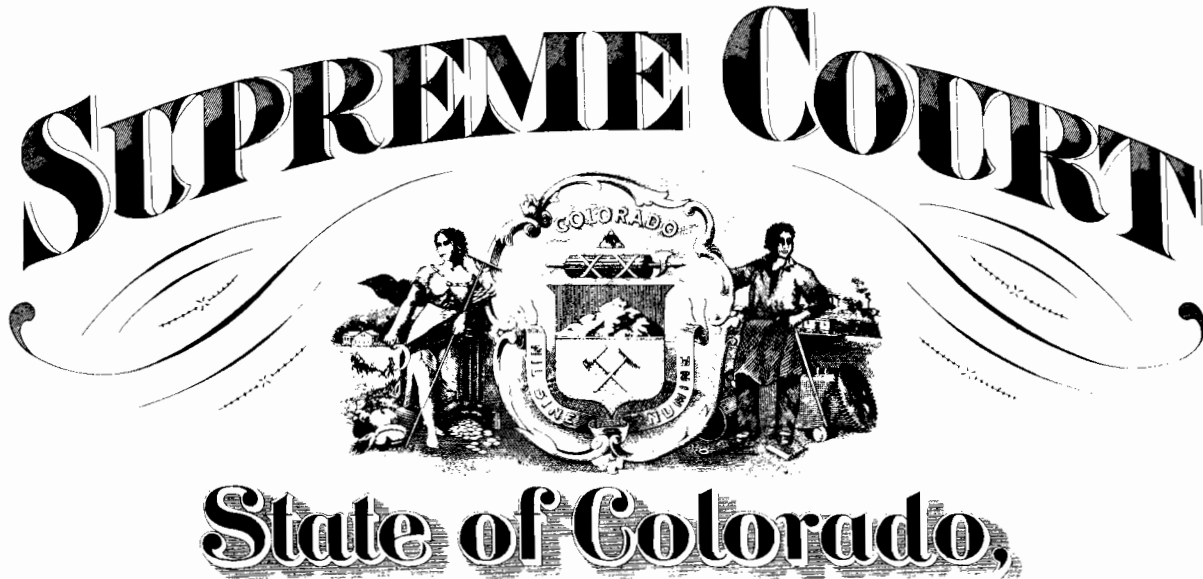
5. Accordingly, I am pleased to move the admission of Thomas Swigert, pro hac vice.

6. I respectfully submit a proposed order granting the admission of Thomas Swigert, pro hac vice, which is attached hereto as Exhibit B.

WHEREFORE it is respectfully requested that the motion to admit Thomas Swigert, pro hac vice, to represent Gammon in the above-captioned matter, be granted.

I declare under penalty of perjury that the foregoing is true and correct. Executed on September 14, 2007 at New York, New York.

  
\_\_\_\_\_  
Brooke E. Pietrzak (BP-7314)



STATE OF COLORADO, ss:

I, **Susan J. Festag** Clerk of the Supreme Court of the State of  
Colorado, do hereby certify that

**THOMAS PAUL SWIGERT**

has been duly licensed and admitted to practice as an

**ATTORNEY AND COUNSELOR AT LAW**

within this State; and that his/her name appears upon the Roll of Attorneys  
and Counselors at Law in my office of date the 14<sup>th</sup>

day of May A. D. 2001 and that at the date hereof  
the said **THOMAS PAUL SWIGERT**

is in good standing at this Bar.

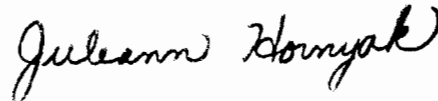
## **Certificate of Admission To the Bar of Illinois**

I, Juleann Hornyak, Clerk of the Supreme Court of Illinois, do hereby certify that

Thomas Paul Swigert

has been duly licensed and admitted to practice as an Attorney and Counselor of Law within this State; has duly taken the required oath to support the CONSTITUTION OF THE UNITED STATES and of the STATE OF ILLINOIS, and also the oath of office prescribed by law, that said name was entered upon the Roll of Attorneys and Counselors in my office on November 9, 1995 and is in good standing, so far as the records of this office disclose.

In Witness Whereof, I have hereunto  
placed my hand and affixed the seal  
of said Supreme Court, at Springfield,  
in said State, this Friday, September 07, 2007.

A handwritten signature in black ink, reading "Juleann Hornyak". The signature is written in a cursive, flowing style.

Clerk

# STATE OF MINNESOTA IN SUPREME COURT

## *Certificate of Good Standing*

This is to certify that the following lawyer is in good standing.

THOMAS PAUL SWIGERT

was duly admitted to practice as an lawyer and counselor at law in all the courts of this state on

October 24, 1996

Given under my hand and seal of this court on

September 07, 2007



*Fredrick K. Grittner*

Fredrick K. Grittner  
Clerk of Appellate Courts

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MIDAS FUND, INC.,

Plaintiff,

- against -

GAMMON GOLD, INC.,

Defendant.

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Index No.: 07-CV-6707 (NRB)

**[PROPOSED]  
ORDER FOR ADMISSION  
PRO HAC VICE**

Upon the Notice of Motion to Admit Counsel Pro Hac Vice and the Declaration in Support of Motion to Admit Counsel Pro Hac Vice, and the exhibits thereto;

IT IS HEREBY ORDERED that THOMAS SWIGERT is admitted to practice pro hac vice as counsel for defendant Gammon Gold, Inc. in the above-captioned case in the United States District Court for the Southern District of New York. All attorneys appearing before this Court are subject to the Local Rules of this Court, including the Rules governing discipline of attorneys. If this action is assigned to the Electronic Case Filing (ECF) system, counsel shall immediately apply for an ECF password at [www.nysd.uscourts.gov](http://www.nysd.uscourts.gov).

Dated: September \_\_, 2007

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U.S.D.C. Judge

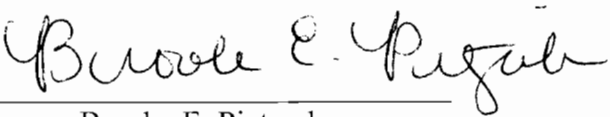
ATTORNEY AFFIRMATION OF SERVICE

Brooke E. Pietrzak, Esq., being duly sworn, says:

I am an attorney admitted to practice in the State of New York, am not a party to this action, am over 18 years of age, and am associated with the law firm of Dorsey & Whitney LLP, 250 Park Avenue, New York, New York 10177.

On September 14, 2007, I caused the within **Notice of Motion to Admit Counsel Pro Hac Vice and Declaration in Support of Motion to Admit Counsel Pro Hac Vice** to be served by first class mail, a true and correct copy being in a securely enclosed, postage-paid wrapper, addressed to the following individual:

Debra Guzov, Esq.  
GUZOV OFSINK, LLC  
600 Madison Avenue, 14th Floor  
New York, NY 10022  
*Attorneys for Plaintiff*

  
\_\_\_\_\_  
Brooke E. Pietrzak